

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: YUNG HIE KOH, M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Yung Hie Koh, M.D. ("Dr. Koh"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, *et seq.*:

**FINDINGS OF FACT**

1. Dr. Koh currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 09585, issued originally in 1972. Dr. Koh's address of record is in Princeton, West Virginia.

2. In January 2009, Dr. Koh was the subject of a random audit by the Board to determine whether he had completed the required minimum number of fifty (50) hours of Continuing Medical Education ("CME") coursework, as described in 11 CSR 6 2.2, including two (2) hours in the subject of end-of-life care and pain management, as described in W. Va. Code § 30-1-7a, during the licensure period from July 1, 2006, to June 30, 2008.

3. In Dr. Koh's licensure renewal application for the period from July 1, 2008, to June 30, 2010, submitted to the Board and dated May 16, 2008, Dr. Koh represented that he had completed the required minimum number of fifty (50) hours of CME coursework, including two (2) hours of CME coursework in the subject of end-of-life care and pain management, during the preceding licensure period from July 1, 2006, to June 30, 2008.

4. The random audit revealed that Dr. Koh had completed at least fifty (50) hours of approved CME coursework during the preceding licensure period from July 1, 2006, to June 30, 2008, but had failed to complete two (2) hours of CME coursework in the subject of end-of-life care, including pain management.

5. In March 2009, the Complaint Committee of the Board initiated a complaint against Dr. Koh based upon his apparent deficiency of two (2) hours of CME in the subject of end-of-life care, including pain management, and his certification that he had completed the same during the preceding licensure period from July 1, 2006, to June 30, 2008.

6. On March 20, 2009, Dr. Koh responded to the Complaint by essentially admitting that he had not completed the two (2) hours of CME coursework in the subject of end-of-life care, including pain management and he apologized to the Board and requested a list of courses in the subject so that he may fulfill his obligation.

### **CONCLUSIONS OF LAW**

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause may exist to substantiate charges against Dr. Koh pursuant to W. Va. Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1 (e) and (j), relating to unprofessional conduct, and W. Va. Code § 30-3-14 (c)(1) and (17), 11 CSR 1A 12.1 (a), and 11 CSR 6 4.2 and 4.4, relating to the renewal of a license to practice medicine and surgery by making an incorrect statement in connection with a licensure application.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Koh and to proceed without the filing of

formal charges in a Complaint and Notice of Hearing, provided Dr. Koh complies with the terms and conditions set forth herein.

### **CONSENT**

Yung Hie Koh, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Koh acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code § 30-3-14 (h) and W. Va. Code § 29A-5-1, *et seq.*

2. Dr. Koh further acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Koh waives all rights to such a hearing.

4. Dr. Koh consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Koh understands that this Order is considered public information.

### **ORDER**

**WHEREFORE**, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Koh, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Koh shall complete and provide documentation of completion of two (2) hours of CME in the subject of end-of-life care, including pain management within 60 days of the entry of this Order. If sufficient to meet the requirements of the statute as to subject matter, these CME credits shall be applied to meet the fifty (50) hours required for the renewal period July 1, 2006, to June 30, 2008, and shall not be applied or transferred to any subsequent renewal period. However, by completing this CME, Dr. Koh will have met the one-time requirement for completion of this particular coursework.


2. Dr. Koh shall also pay a **CIVIL FINE** in the amount of \$100.00 per credit hour for his prior deficiency of two (2) hours of CME in the subject of end-of-life care, including pain management, for the licensure renewal period from July 1, 2006, to June 30, 2008, together with a one-time **ADMINISTRATIVE FEE** in the amount of \$100.00, for a total of **\$300.00**, which fine and administrative fee shall be received by the Board on or before June 30, 2009.


3. In the event that Dr. Koh fails to comply with the requirements stated in the preceding paragraphs of this Order, his license to practice medicine in the State of West Virginia shall be **SUSPENDED**, effective immediately, without further process or hearing, pending his successful completion of these requirements, as agreed to by him, and as required by this Order.

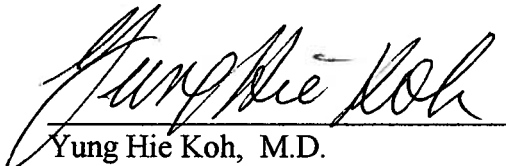
4. Upon the Board's determination that Dr. Koh is in full compliance with the terms and conditions of this Consent Order, the Complaint against him shall be dismissed immediately.

The foregoing Order was entered this 15th day of June, 2009.

WEST VIRGINIA BOARD OF MEDICINE

  
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John A. Wade, Jr., M.D.  
President

  
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Catherine Slemp, M.D., M.P.H.  
Secretary

  
\_\_\_\_\_  
Yung Hie Koh, M.D.

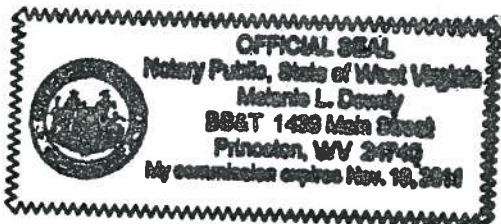
Date: 06-03-2009

STATE OF West Virginia  
COUNTY OF MERCER

I, Melanie L. Dowdy, a Notary Public in and for said county and  
state do hereby certify that Yung Hie Koh, M.D., whose name is signed on this page, has this day  
acknowledged the same before me.

Given under my hand this 3 day of June, 2009.

My commission expires Nov. 19, 2011.



  
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Notary Public